

FILED NOV 18 1988

I certify that the attached is a true and
correct copy of HR#13, which
was filed of record on 11-18-88

and referred to the committee on:

Ways & Means

Ray McSwain
Chief Clerk of the House

1989 JAN 24 PM 3:18
HOUSE OF REPRESENTATIVES

By

Will
willy

J.R. No. 13

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the legislature
2 to exempt from ad valorem taxation certain property of nonprofit
3 veterans organizations.

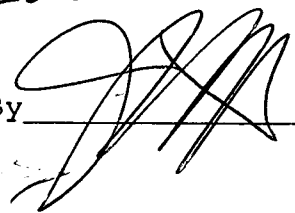
4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article VIII, Section 2, of the Texas
6 Constitution is amended by adding Subsection (c) to read as
7 follows:

8 (c) The Legislature by general law may exempt from ad
9 valorem taxation property that is owned by a nonprofit organization
10 composed primarily of members or former members of the armed forces
11 of the United States or its allies and chartered or incorporated by
12 the United States Congress. Section 11.23(a), Tax Code, as it
13 exists on September 1, 1989, is validated as of January 1, 1990.

14 SECTION 2. This proposed constitutional amendment shall be
15 submitted to the voters at an election to be held November 7, 1989.
16 The ballot shall be printed to provide for voting for or against
17 the proposition: "The constitutional amendment to authorize the
18 legislature to exempt property of nonprofit veterans organizations
19 from ad valorem taxation."

Shelley Valigura Barton
R. Cuellar Kubiak Uher
Yost Haggerty Stiles
Earley Finnell
Patterson Collazo
Eckels Lucio
Taylor

By 

H. J.R. No. 13

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18 legislature to exempt property of nonprofit veterans organizations
19 from ad valorem taxation."

HOUSE COMMITTEE REPORT

89 APR 10 PM 12:35

1st Printing

By Willy, et al.

H.J.R. No. 13

Substitute the following for H.J.R. No. 13:

By Heflin

C.S.H.J.R. No. 13

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COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

4/5/89
(date)

Sir:

We, your COMMITTEE ON WAYS AND MEANS,

to whom was referred HJR 13 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

() do pass, without amendment.

() do pass, with amendment(s).

(✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (✓)yes () no

An actuarial analysis was requested. () yes (✓)no

An author's fiscal statement was requested. () yes (✓)no

A criminal justice policy impact statement was prepared. () yes (✓)no

A water development policy impact statement was requested. () yes (✓)no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, () Consent, or () Resolutions Calendar.

This measure (✓)proposes new law. (✓)amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hury, Ch.	✓			
Luna, V.C.	✓			
Hollowell, C.B.O.	✓			
Berlanga	✓			
Craddick	✓			
Heflin	✓			
Morales				✓
Schlueter	✓			
Seidlits	✓			
Stiles				✓
Williamson				✓
Wilson	✓			
Wolens	✓			

Total

10 aye

0 nay

0 present, not voting

3 absent

CHAIRMAN

1 COMMITTEE COORDINATOR

BILL ANALYSIS

BACKGROUND

The Texas Constitution provides the sole basis (except for federal law) for exempting property from taxation. The Constitution lists some classes of property that are exempt from taxation and gives the legislature authority to exempt certain other classes. Article VIII, Section 2 of the Constitution further provides that laws exempting property other than as provided in the constitution are null and void.

Section 11.23 (a), Tax Code, provides an exemption for buildings and appurtenant land (land which is an addition to a property that becomes a part of that property such as private roads, dams, reservoirs, water wells, ditches, etc.) owned by certain named organizations of veterans, primarily used by them, and not used for gain. There is no specific authorization for veteran's organization exemptions in the Constitution. In 1982, Attorney General Opinion No. MW-436 ruled Section 11.23 (a) unconstitutional.

PURPOSE

This resolution exempts from ad valorem taxation property of nonprofit veterans organizations.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Section 2, Texas Constitution, by adding subsection (c).

(c) Authorizes the legislature to exempt from ad valorem taxation property that is owned by a nonprofit organization composed primarily of members or former members of the armed forces of the United States or its allies and chartered or incorporated by the United States Congress.

SECTION 2. Requires submission to the voters on November 7, 1989; specifies ballot language.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

COMPARISON OF ORIGINAL BILL TO SUBSTITUTE

C.S.H.J.R. 13 deletes language validating Section 11.23, Tax Code.

SUMMARY OF COMMITTEE ACTION

On February 15, 1989, the Chair referred H.J.R. 13 to the Subcommittee on Property Tax consisting of Rep. Luna - Chair, Berlanga, Craddick, Heflin and Seidlits.

Public notice was posted in accordance with the rules and a public hearing was held on March 22, 1989. The following persons testified in support: Mr. Jerry Wilder, representing various veterans organizations; and Mr. Robert Dambach, representing the Galveston County Veterans Organization. The following persons registered in support: Ms. Cecelia Burke, representing the Texas Tax Assessor-Collector Assn; Mr. Michael Palmquist, representing the American Legion, State of Texas; Mr. Samuel Bier,

C.S.H.J.R. 13
H.J.R. 13

Heflin
Willy

representing the Disabled American Veterans, Department of Texas, Inc.; Mr. William Richard Ruckman, representing the Department of Texas Veterans of Foreign Wars; Mr. David Harper, representing the Association of Water Board Directors. Mr. Walter Fisher, representing the Texas Municipal League, registered in opposition. The subcommittee voted to report the measure back to the full committee as substituted.

On April 5, 1989, the full committee voted to report H.J.R. 13 to the House as substituted with the recommendation that it do pass by a record vote of 10 ayes, 0 nays, with 3 absent.

Ways and Means Committee
LVR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 24, 1989

TO: Honorable James F. Hury, Jr., Chair
Committee on Ways and Means
House of Representatives
Austin, Texas

In Re: House Joint
Resolution No. 13
By: Willy, et al.

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 13 (proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation certain property of nonprofit veterans organizations) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would authorize the Legislature to grant property tax exemptions to property belonging to nonprofit veterans organizations. The resolution also validates the existing Section 11.23(a) on January 1, 1990 and would be submitted to voters on November 7, 1989.

The cost of publication to the State is estimated to be \$60,000.

Section 11.23(a) of the Property Tax Code provides a property tax exemption under certain conditions for building, and appurtenant land owned by certain named veterans organizations. In 1982, Attorney General Opinion No. MW-436 ruled Section 11.23(a) unconstitutional since there is no specific authorization for veteran's organization exemptions in the Constitution.

Taxing units which have such property or their tax rolls would lose revenue under the resolution's provisions. However, data required to estimate the potential loss of revenues is not available

Revenue losses would continue as long as the provisions of the resolution are in effect.

Source: State Property Tax Board; Secretary of State;
LBB Staff: JO, JWH, AL, AM, PA

ADOPTED

MAY 10 1989

Betty Murray
Chief Clerk
House of Representatives

By Willy, et al.

Substitute the following for H.J.R. No. 13:

By *Hepler*

~~H.J.R. No. 13~~

~~C.S.H.J.R. No. 13~~

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HOUSE ENGROSSMENT

CSMAY10 5:17:27

410 125 1 778

By Willy, et al.

H.J.R. No. 13

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LEGISLATIVE BUDGET BOARD

Austin, Texas

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The cost of publication to the State is estimated to be \$60,000.

Section 11.23(a) of the Property Tax Code provides a property tax exemption under certain conditions for building, and appurtenant land owned by certain named veterans organizations. In 1982, Attorney General Opinion No. MW-436 ruled Section 11.23(a) unconstitutional since there is no specific authorization for veteran's organization exemptions in the Constitution.

Taxing units which have such property or their tax rolls would lose revenue under the resolution's provisions. However, data required to estimate the potential loss of revenues is not available

Revenue losses would continue as long as the provisions of the resolution are in effect.

Source: State Property Tax Board; Secretary of State;
LBB Staff: JO, JWH, AL, AM, PA

1 By: Willy, et al. (Senate Sponsor - Brown) H.J.R. No. 13
2 (In the Senate - Received from the House May 11, 1989;
3 May 12, 1989, read first time and referred to Committee on Finance;
4 May 25, 1989, reported favorably by the following vote: Yeas 11,
5 Nays 0; May 25, 1989, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7 Caperton	x			
8 Glasgow	x			
9 Barrientos	x			
10 Brooks	x			
11 Harris				x
12 Johnson				x
13 Krier	x			
14 McFarland	x			
15 Montford	x			
16 Parker	x			
17 Santiesteban	x			
18 Sims	x			
19 Truan	x			

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38 legislature to exempt property of nonprofit veterans organizations
39 from ad valorem taxation."

40 * * * * *

41 Austin, Texas
42 May 25, 1989

43 Hon. William P. Hobby
44 President of the Senate

45 Sir:

46 We, your Committee on Finance to which was referred H.J.R. No. 13,
47 have had the same under consideration, and I am instructed to
48 report it back to the Senate with the recommendation that it do
49 pass and be printed.

50 Caperton, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

MAY 18 REC'D

FISCAL NOTE

May 17, 1989

TO: Honorable Kent A. Caperton, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

In Re: House Joint Resolution
No. 13, as engrossed
By: Willy, et. al.

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 13, as engrossed (proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation certain property of nonprofit veterans organizations) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would authorize the Legislature to grant property tax exemptions to property belonging to nonprofit veterans organizations.

The cost of publication to the State is estimated to be \$60,000 in fiscal year 1990. No additional fiscal implication to the State is anticipated.

Section 11.23(a) of the Property Tax Code provides a property tax exemption under certain conditions for building, and appurtenant land owned by certain named veterans organizations. In 1982, Attorney General Opinion No. MW-436 ruled Section 11.23(a) unconstitutional since there is no specific authorization for veteran's organization exemptions in the Constitution.

Taxing units which have such property or their tax rolls would lose revenue under the resolution's provisions. However, data required to estimate the potential loss of revenues is not available.

Source: State Property Tax Board; Secretary of State;
LBB Staff: JO, JWH, AL, AM, LV

LEGISLATIVE BUDGET BOARD

Austin, Texas

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LBB Staff: JO, JWH, AL, AM, PA

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

5/25 9:00 AM
(date)/(time)

Sir:

We, your Committee on FINANCE to which was referred
HJR13 by Willy have on May 25, 19 89, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure Brown

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Barrientos	<input checked="" type="checkbox"/>			
Brooks	<input checked="" type="checkbox"/>			
Glasgow	<input checked="" type="checkbox"/>			
Harris				
Johnson				<input checked="" type="checkbox"/>
Krier	<input checked="" type="checkbox"/>			
McFarland	<input checked="" type="checkbox"/>			
Montford	<input checked="" type="checkbox"/>			
Parker	<input checked="" type="checkbox"/>			
Santiesteban	<input checked="" type="checkbox"/>			
Sims	<input checked="" type="checkbox"/>			
Truan	<input checked="" type="checkbox"/>			
Caperton, Chair	<input checked="" type="checkbox"/>			
TOTAL VOTES	11			2

Gina Martin
COMMITTEE CLERK

Kent Caperton
CHAIRMAN

F
ENROLLED

H.J.R. No. 13

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H.J.R. No. 13

President of the Senate

Speaker of the House

I certify that H.J.R. No. 13 was passed by the House on May 10, 1989, by the following vote: Yeas 140, Nays 0.

Chief Clerk of the House

I certify that H.J.R. No. 13 was passed by the Senate on May 26, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 13[✓] was passed by the House on
(1)

May 10[✓]

, 1989, by the following vote:

Yeas 140[✓], Nays 0[✓]
(3)

(4)

Chief Clerk of the House

I certify that H.J.R. No. 13[✓] was passed by the Senate on
May 26[✓], 1989, by the following vote:
(5)

Yeas 31[✓], Nays 0[✓]
(6)

(7)

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: 'A;CT47;

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation certain property of nonprofit veterans organizations.

NOV 18 1988

1. Filed with the Chief Clerk.

JAN 23 1989

2. Read first time and referred to Committee on

Ways & Means

APR 5 1989

3. Reported favorably ^(as amended)
^(as substituted) and sent to Printer at

6:45 pm

APR 7 1989

APR 10 1989

4. Printed and distributed at

12:05 pm

APR 11 1989

5. Sent to Committee on Calendars at

3:30 pm

MAY 10 1989

6. Read second time ^{as subs.} ~~(amended)~~ and (finally) passed to ~~Third Reading~~ by a Record Vote of 140 yeas, 0 nays, 0 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 10 1989

11. Ordered Engrossed at

4:38 pm

MAY 10 1989

12. Engrossed.

MAY 10 1989

13. Returned to Chief Clerk at

10:27 pm

MAY 11 1989

14. Sent to the Senate.

Betty Munro
Chief Clerk of the House

MAY 11 1989

15. Received from the House

MAY 12 1989

16. Read, referred to Committee on

FINANCE

MAY 25 1989

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 26 1989

20. Regular order of business suspended by

U.C.
(a viva voce vote.)

(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 26 1989

22. Read second time

passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

23. Caption ordered amended to conform to body of bill.

MAY 25 1989

24. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,
/ nays to place bill on third reading and final passage.

MAY 23 1989

25. Read third time and passed by

(a viva voce vote.)

(31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King

Secretary of the Senate

5-26-89

26. Returned to the House.

MAY 26 1989

27. Received from the Senate (with amendments.)
(as substituted.)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 26 1989

31. Ordered Enrolled at

4:18 pm

SENATE OF TEXAS